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# COMMONWEALTH OF VIRGINIA



## OFFICE OF THE GOVERNOR

### Executive Order 61

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#### THE OLMSTEAD INITIATIVE

##### Introduction

The U.S. Supreme Court's *Olmstead v. L.C.* decision brings into sharp focus the need to improve community services for disabled Virginians. A wide range of stakeholders have been meeting regularly to recommend state government's response to the *Olmstead* decision. The 2003 General Assembly approved my landmark mental health Community Reinvestment Initiative. The executive budget I presented on December 17, 2003, devotes \$42.5 million over the next biennium to Olmstead implementation. These budget actions include:

- Developing a Medicaid "Buy-in" Program for disabled individuals.
- Funding 77 discharge assistance plans so that individuals in state mental health facilities may move to and stay in more integrated settings;
- Funding 160 additional mental retardation waiver slots to allow for more people with mental retardation to live in integrated settings;
- Creating three additional Programs of Assertive Community Treatment teams to prevent unnecessary re-institutionalization;
- Increasing community mental health services for children and adolescents to prevent unnecessary institutionalization;
- Increasing inpatient treatment purchased in community hospitals to prevent unnecessary placement in state facilities;
- Funding 25 new slots for individual and family developmental disabilities support waivers so that more people may move to and stay in integrated community settings;

- Expanding the public guardian and conservator program to assist individuals in making decisions about their services and supports; and
- Developing a waiver for persons with Alzheimer's disease and related dementias to prevent unnecessary institutionalization.

While much has been accomplished, much remains to be done. This executive order sets forth the Olmstead Initiative, additional actions to move the Commonwealth forward on Olmstead Implementation.

### **Director of Community Integration for People With Disabilities**

There is hereby established in the Office of the Governor a Director of Community Integration for People With Disabilities, funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services, to direct and coordinate all Olmstead implementation and oversight activities. Julie A. Stanley of Hanover County is hereby appointed to this position. The duties of this position will be as follows:

1. Direct all activities to implement the recommendations in the Final Report of the Olmstead Task Force;
2. Convene and provide staff support to the Community Integration Implementation Team and the Community Integration Oversight Advisory Committee;
3. Compile and submit regular progress reports to the Governor, Cabinet and agency heads on the status of implementation efforts; and
4. Provide information on the Olmstead implementation process as requested by stakeholders and the general public.

The Director of Community Integration shall be assisted by a part-time administrative support position funded by the Department of Rehabilitative Services. An estimated 1,500 hours of staff time will be required to coordinate and support the Implementation Team and the Oversight Advisory Committee.

### **Olmstead Community Integration Implementation Team**

By virtue of the authority vested in me by Section 2.2-134 of the Code of Virginia, I hereby establish the Community Integration Implementation Team.

The Community Integration Implementation Team shall consist of one representative of each of the following state agencies, who shall be designated by the agency head:

- Department for the Blind and Vision Impaired
- Department of Education
- Department of Housing and Community Development
- Department of Medical Assistance Services

- Department of Mental Health, Mental Retardation and Substance Abuse Services
- Department of Rail and Public Transportation
- Department of Transportation
- Department of Rehabilitative Services
- Department of Social Services
- Office of Comprehensive Services
- State Council for Higher Education for Virginia
- Virginia Board for People With Disabilities
- Virginia Commonwealth University HIV/AIDS Center
- Virginia Department for the Aging
- Virginia Department for the Deaf and Hard of Hearing
- Virginia Department of Health
- Virginia Fair Housing Office
- Virginia Housing Development Authority

The Secretaries of Commerce and Trade, Education, Health and Human Resources, and Transportation, or their designees, shall serve as ex officio, voting members of the Implementation Team. The Governor may appoint representatives of other agencies or institutions of higher education to the team at his discretion.

The Director of Community Integration for People With Disabilities in the Office of the Governor will chair the team. The vice-chair shall be selected based on a majority vote of the members of the team.

The purpose of this Team shall be to:

1. Cost out and update as necessary all recommendations in “One Community—The Report of the Olmstead Task Force;”
2. Identify and implement recommendations that can be implemented administratively within each agency;
3. Identify recommendations that will require new resources within each agency’s budget, prioritize the timing with which those recommendations will be requested to be implemented, and prepare budget proposals for the Governor’s consideration;
4. Identify recommendations that will require statutory changes and prepare legislative proposals for the Governor’s consideration;
5. Identify recommendations that will require regulatory changes and oversee the process for adoption of regulations;
6. Identify all recommendations that will require action outside the agencies’ authority and recommend to the Governor a process for implementation;
7. Seek advice from the Community Integration Oversight Advisory Committee; and

8. Report annually to the Community Integration Oversight Advisory Committee on the activities of the Team and the status of implementation of the *Olmstead* decision within the Commonwealth.

All executive branch agencies of the Commonwealth shall support the activities of the Team upon request.

### **The Oversight Advisory Committee**

By virtue of the authority vested in me by Section 2.2-134 of the Code of Virginia I hereby create the Governor's Olmstead Community Integration Oversight Advisory Committee (Oversight Advisory Committee).

The Oversight Advisory Committee is classified as a gubernatorial advisory commission in accordance with Sections 2.2-134, 2.2-135, and 2.2-2100 of the Code of Virginia. The purpose of this Committee shall be to:

1. Oversee the implementation of the *Olmstead v. L.C.* decision within the Commonwealth;
2. Advise the Governor's Community Integration Implementation Team;
3. Receive annual reports from the Governor's Community Integration Implementation Team; and
4. Report any recommendations to the Governor prior to the 2005 Session of the General Assembly, no later than October 21, 2004. The report shall detail the activities of the Committee and make such recommendations to the Governor as the Committee deems appropriate.

The Committee shall consist of 15 members to be appointed by the Governor and serving at his pleasure. The 15 members of the Committee shall represent individuals with disabilities, families of individuals with disabilities, advocates for persons with disabilities, and providers of community services and/or supports to individuals with disabilities. At least eight of the 15 members shall be individuals with disabilities and family members of individuals with disabilities; of these eight, at least five shall be individuals with disabilities. The Governor shall designate the Chair and Vice-Chair of the Committee.

The Governor may appoint additional members to the Committee at his discretion. Members of the Committee shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Governor's Chief of Staff or his designee.

All agencies of the Commonwealth shall support the activities of the Committee upon request.

Additional staff support as is necessary for the conduct of the Implementation Team and Oversight Advisory Committee's work during the term of their existence shall be furnished by the Office of the Governor and such other executive agencies as the Governor may designate. An estimated \$20,000 annually is required to support the work of the Committee and the Team. Such funding as is necessary for the term of the Committee's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of these bodies, as authorized by Section 2.2-135(B) of the Code of Virginia.

This Executive Order shall be effective January 5, 2004, and shall remain in full force and effect until January 5, 2005, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 5th day of January 2004.

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Mark R. Warner, Governor

Attest:

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Secretary of the Commonwealth